



## Resolution No. R2024-20

### To Acquire Real Property Interests Required for the West Seattle Link Extension Project

Meeting:	Date:	Type of action:	Staff contact:
System Expansion Committee	09/12/2024	Recommend to Board	Terri Mestas, Deputy CEO, Capital Delivery
Board	09/26/2024	Final action	<b>Clint Dameron, Acting Director of Real Property</b> Rhonda Thomsen, Sr. Real Property Project Manager

### Proposed action

Authorizes the chief executive officer to acquire certain real property interests, contingent on receipt of any necessary federal approvals, including acquisition by condemnation to the extent authorized by law, and to reimburse eligible relocation and reestablishment expenses incurred by affected owners and tenants as necessary for the West Seattle Link Extension project.

### Key features summary

- Authorizes the early acquisition of one parcel in fee located in West Seattle for the West Seattle Link Extension Project. The residential property owner has requested early acquisition due to hardship and will be relocated as part of the acquisition.
- The property is needed for Preferred Alternative WSJ-5b, and alternatives WSJ-1, WSJ-2, WSJ-3a, and Option WSJ-3b. Acquisition would not be required from this property under alternative WSJ-6. The subject property has been identified as necessary for potential construction of the West Seattle Link Extension (WSLE) Project.
- The WSLE project will require relocations, the extent of which will depend on the project selected to be built. With respect to the acquisition that is the subject of this resolution, Sound Transit will not require the owner to relocate. Relocation will not be required until after environmental review is complete. However, Sound Transit will make the owner eligible for relocation benefits due to the circumstances of hardship that formed the basis of the owner's request for early acquisition. Sound Transit will work with the owner to assure she has access to relocation advisory services and other eligible relocation benefits.
- Sound Transit is scheduled to publish the Final Environmental Impact Statement for WSLE in September 2024. Additional details around the timing of environmental review for WSLE is included below.
- Sound Transit staff has requested approval from the Federal Transit Administration for early acquisition of the property prior to completion of respective environmental reviews, based on the owner's request and circumstances of hardship. Board authorization to acquire the property identified in Exhibit A is contingent on receiving any and all necessary federal approvals, which includes but may not be limited to: (a) FTA concurrence for early acquisition as documented by

issuance of a Documented Categorical Exclusion for such properties; or (b) issuance of a Record of Decision for WSLE.

- This action also authorizes the future disposition of any real property interests included in this action to the extent required for relocating utilities as necessary or desirable for the projects, satisfying permit conditions or mitigation requirements, curing damages to real property caused by the project, or disposing of real property for the purpose of minimizing Sound Transit's costs of operations and maintenance.
- Authorization of this action will not limit the Board's choice of alternatives under consideration for WSLE project.
- The parcel of real property identified in this requested action is identified in Exhibit A

## **Background**

The West Seattle Link Extension project (WSLE) was approved for funding by voters under the ST3 Plan. The projects will provide fast, reliable light rail connections to dense residential and job centers throughout the region. The extension to West Seattle will operate from SODO to West Seattle's Alaska Junction neighborhood with four stations and will eventually connect to the Everett Link Extension.

In July 2022, through Motion No. M2022-57, the Sound Transit Board identified the preferred alternative for the West Seattle Link Extension and requested further studies of refinements to the preferred alternative. Refinements from the further studies are being incorporated into the WSLE Final Environmental Impact Statements (EIS).

The West Seattle and Ballard Link Extensions (WSBLE) were evaluated together in the WSBLE Draft EIS published in January 2022. As described in the WSBLE Draft EIS, the two extensions will function as two separate lines, with the WSLE connecting to Everett and the Ballard Link Extension (BLE) connecting to Tacoma.

The extensions were initially on the same environmental review timeline. However, given additional environmental review needed for project refinements for BLE resulting from the Sound Transit Board action in March 2023, through Motion No. M2023-18, environmental review for the two extensions will now proceed on different timelines.

WSLE will proceed to a Final EIS, which is anticipated to be published in September 2024, while a new Draft EIS will be completed for BLE to reflect action through Motion No. M2023-18.

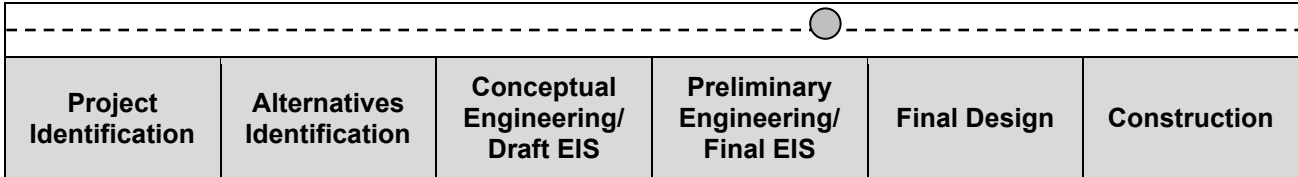
The Federal Transit Administration (FTA) approval of this early acquisition would allow Sound Transit to proceed with acquisition of the property even though the environmental review process for the WSLE project is not yet complete. The early acquisition will not limit the Board's final choice of alternatives for either project. Documentation in support of the early acquisition has been submitted to the FTA for consideration.

Following Board approval of necessity, and contingent on FTA approval of the early acquisition, staff will pursue acquisition of the property. In the event that FTA approval of the early acquisition is not received, staff would pursue acquisition of the property following issuance of the Record of Decision for the WSLE project.

Sound Transit will acquire the property rights needed to construct the WSLE project. Sound Transit's authorizing legislation grants the agency the power of eminent domain to accomplish such acquisitions. Condemnation will be initiated should negotiations between Sound Transit and the property owner reach an impasse.

Dispositions of real property interests may occur to the extent required for relocating utilities as necessary or desirable for the projects, satisfying permit conditions or mitigation requirements, curing damages to real property caused by the project, or disposing of real property for the purpose of minimizing Sound Transit’s costs of operations and maintenance.

**Project status**



Projected completion date for Preliminary Engineering/Final EIS: September 2024

Project scope, schedule and budget summary are located on page 110 of the June 2024 Agency Progress Report.

**Fiscal information**

The current cost estimate for the West Seattle Link Extension project is \$4.1 billion in 2024\$. This represents the cost estimate updated at the time of Realignment. As this project is pre-baselined, both the authorized project allocation for project development work and a forecasted cost estimate for the remaining project delivery and construction work are reasonably assumed in the existing Long Range Financial Plan forecast.

The authorized project allocation for the West Seattle Link Extension project is \$246,814,363. Within the \$133,153,751 right of way phase allocation, \$6,056,163 has been committed. There are \$127,097,588 of uncommitted funds in the right of way phase, which is sufficient to complete the action.

In accordance with Sound Transit policy, budgets for specific parcels will be discussed with the Board in the executive session. Consistent with the current estimate at completion for real property acquisition, this action and acquisitions of remaining certified properties are affordable within the adopted project budget.

**Disadvantaged and small business participation**

Not applicable to this action.

**Public involvement**

Since publishing the Draft EIS, the External Engagement team has emailed project updates to interested parties who have signed up through our website and the team has met with property owners and stakeholders upon request. The updates and meetings include project information, what to expect during the acquisition and relocation process and our forecasted project timeline.

The Real Property and External Engagement teams regularly have one-on-one briefings with property owners to answer questions and in some cases to request rights of entry for fieldwork that will inform the ongoing design of the project.

In September 2023, the External Engagement team emailed property owners who may qualify for early acquisition. Staff offered to meet with them about the design in relation to their property, explain the project timeline, and answer any questions about the potential for early acquisition. Many of those

property owners responded and met with staff. The team met with this property owner on October 20, 2023.

The External Engagement team has regular meetings with the community groups along the alignment, to share project information and answer questions. The Real Property team typically attends, to cover acquisition and relocation inquiries. In October and November 2023 and in March 2024, the teams hosted station planning open houses in SODO and West Seattle, engaging with property owners, tenants, and other interested attendees.

In compliance with state law regarding public notification, Sound Transit will mail a certified letter to the property owner affected by this action. Legal notice of this proposed Board action will be published in the Seattle Times newspaper on September 10, and September 19, 2024.

## **Time constraints**

A one-month delay would not create a significant impact to the project schedule, but would create a significant hardship for the property owner who will no longer be able to keep her mortgage payments current.

## **Prior Board/Committee actions**

Resolution No R2024-07: Authorized the chief executive officer to acquire certain real property interests, contingent on receipt of any and all necessary federal approvals, including acquisition by condemnation to the extent authorized by law, and to reimburse eligible relocation and reestablishment expenses incurred by affected owners and tenants as potentially necessary for the West Seattle Link Extension project and as applicable for the Ballard Link Extension project.

Motion No. M2022-57: Confirmed or modified the preferred light rail route and station locations for the West Seattle Link Extension Final Environmental Impact Statement and requesting further studies in some areas to inform potential additional future Board action to confirm or modify the Preferred Alternative

Motion No. M2019-104: Recommended additional alternatives for study in the West Seattle and Ballard Link Extensions Draft Environmental Impact Statement.

Motion No. M2019-51: Identified the preferred alternative(s) and other alternatives for study in the Draft Environmental Impact Statement for the West Seattle and Ballard Link Extensions project.

Motion No. M2017-161: Authorized the chief executive officer to execute a Partnering Agreement with the City of Seattle for the West Seattle and Ballard Link Extensions Project.

Resolution No. R2017-32: Amended the Adopted 2017 Budget to create the West Seattle and Ballard Link Extensions Project by (a) establishing the Project Allocation to Date through the completion of the Preliminary Engineering Phase in the amount of \$285,896,000 and (b) establishing the 2017 Annual Budget in the amount of \$4,150,000; (2) authorized the project to advance through Gate 1 within Sound Transit's Phase Gate Process; and (3) established the name of the project as the West Seattle and Ballard Link Extensions Project.

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**Environmental review – EG 8/29/24**

**Legal review – PM 9/5/24**



## Resolution No. R2024-20

A RESOLUTION of the Board of the Central Puget Sound Regional Transit Authority authorizing the chief executive officer to acquire certain real property interests, contingent on receipt of any necessary federal approvals, including acquisition by condemnation to the extent authorized by law, and to reimburse eligible relocation and reestablishment expenses incurred by affected owners and tenants as necessary for the West Seattle Link Extension project.

WHEREAS, the Central Puget Sound Regional Transit Authority, commonly known as Sound Transit, was formed under chapters 81.104 and 81.112 of the Revised Code of Washington (RCW) for the Pierce, King, and Snohomish Counties region by action of their respective county councils pursuant to RCW 81.112.030; and

WHEREAS, Sound Transit is authorized to plan, construct, and permanently operate a high-capacity system of transportation infrastructure and services to meet regional public transportation needs in the Central Puget Sound region; and

WHEREAS, in general elections held within the Sound Transit district on November 5, 1996, November 4, 2008, and November 8, 2016, voters approved local funding to implement a regional high-capacity transportation system for the Central Puget Sound region; and

WHEREAS, in order to use the property determined to be necessary for the construction, operation and maintenance of project improvements required under the voter approved high capacity transportation system plans, it is necessary for Sound Transit to acquire by negotiated purchase or to condemn certain rights in the property for public purposes, and to reimburse eligible relocation and reestablishment expenses incurred by affected owners and tenants; and

WHEREAS, West Seattle Link Extension project is a component of Sound Transit's high capacity system; and

WHEREAS, Sound Transit has identified certain real property as necessary for the construction and permanent location of the West Seattle Link Extension project and such property is reasonably described in Exhibit A of this resolution; and

WHEREAS, in order to use the property determined to be necessary for the construction, operation, and permanent location of the West Seattle Link Extension project, it is necessary for Sound Transit to acquire by negotiated purchase or to condemn certain lands and rights in property for public purposes, and reimburse eligible relocation and reestablishment expenses incurred by the affected owner; and

WHEREAS, Sound Transit has commissioned or will commission an appraisal to determine the fair market value of the property, and will negotiate in good faith with the owner of the property authorized to be acquired by negotiated purchase or condemned, with the intent of reaching agreement for the voluntary acquisition of the property for fair market value; and

WHEREAS, the funds necessary to acquire the property by voluntary purchase or to pay just compensation adjudged due after condemnation and the funds necessary to reimburse eligible relocation and reestablishment expenses shall be paid from Sound Transit general funds.

NOW THEREFORE BE IT RESOLVED by the Board of the Central Puget Sound Regional Transit Authority as follows:

SECTION 1. The chief executive officer is hereby authorized to:

- A. Execute such agreements as are customary and necessary for the acquisition of interests in the real property described in Exhibit A (said property to be used for West Seattle Link Extension project and incorporated herein by reference, and for the reimbursement of eligible relocation and reestablishment expenses. In accordance with Sound Transit's Real Property Acquisition and Relocation Policies, Procedures and Guidelines, the acquisition price of the property may not exceed the fair market value to be determined through the appraisal process; provided that in the event the total of the acquisition, relocation, and reestablishment costs of the properties for the West Seattle Link Extension project exceeds Sound Transit's approved budget for right-of-way acquisition (plus contingency), then the chief executive officer must obtain approval from the appropriate committee or the Board, per Resolution No. R2018-40, before the acquisition of the property for the West Seattle Link Extension project by purchase or by condemnation and the reimbursement of eligible relocation and reestablishment expenses.
- B. Settle condemnation litigation or enter administrative settlement (a settlement in lieu of initiating condemnation litigation) for the acquisition of interests in the real property described in Exhibit A. Such settlement shall be made only upon the finding of legal counsel that the settlement is consistent with the law and is reasonable, prudent, and in the public interest. Such settlement may not exceed established project budgets. For all other settlements proposed, the chief executive officer must obtain prior approval of the appropriate committee or the Board, per Resolution No. R2018-40.
- C. Make minor amendments to the legal description of the property described in Exhibit A, as may be necessary to correct scrivener's errors and/or to conform the legal description to the precise boundaries of the property required for the project.
- D. Execute into agreements for the disposition of interests in the real property identified in Exhibit A for: (1) the relocation of utilities as necessary or desirable for the West Seattle Link Extension project; (2) the satisfaction of permit conditions or mitigation requirements; (3) the curing of damages to real property acquired pursuant to Exhibit A and caused by the implementation of the West Seattle Link Extension project; or (4) returning real property identified in Exhibit A to previous owners for the purpose of minimizing Sound Transit's costs of operations and maintenance; provided that the foregoing dispositions of real property must be compatible with and must not interfere with regional transit system uses and must avoid the creation of unbuildable, residual parcels whenever possible.

SECTION 2. The Sound Transit Board deems the West Seattle Link Extension project, to be a public use for a public purpose. The Board deems it necessary and in the best interests of the citizens residing within Sound Transit's boundaries to acquire interests in the real property identified in Exhibit A as being necessary for the construction, operation, and permanent location of West Seattle Link Extension project, and the affected owner be reimbursed eligible relocation and reestablishment expenses associated with displacement from the property.

SECTION 3. The Sound Transit Board finds that the public health, safety, necessity, convenience, and welfare demand and require that interests in the real property described in Exhibit A be immediately acquired, condemned, appropriated, taken and damaged for the construction, operation, and permanent location of the West Seattle Link Extension project.

SECTION 4. In addition to the authority granted the chief executive officer in Section 1 above, condemnation proceedings are hereby authorized to acquire all, or any portion

thereof, of the property and property rights and/or rights in the property described in Exhibit A to the extent permitted by law, for the purpose of constructing, owning, and operating a permanent location of the West Seattle Link Extension project.

SECTION 5. The funds necessary to acquire the property by purchase or to pay just compensation adjudged due after condemnation shall be paid from Sound Transit general funds.

ADOPTED by the Board of the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on \_\_\_\_\_.

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Dow Constantine  
Board Chair

**Attest:**

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Kathryn Flores  
Board Administrator



**Resolution No. R2024-20**  
**Exhibit A**

**West Seattle Link Extension (WSLE) – Early Acquisitions**

<b>Item:</b>	<b>Row #:</b>	<b>Tax Parcel #:</b>	<b>Taxpayer(s):</b>	<b>Property Address:</b>
1.	<b>WS1072</b>	9297301790	Erica Mahony	3229 SW Genesee St. Seattle WA 98126